

By: Oliverson

H.B. No. 3886

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the provision of pharmacy services through a
3 telepharmacy system; establishing a remote dispensing site
4 license.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 562.110, Occupations Code, is amended by
7 amending Subsections (a), (b), (d), and (e) and adding Subsection
8 (g) to read as follows:

9 (a) In this section:

10 (1) "Provider pharmacy" means a Class A or Class C
11 pharmacy that provides pharmacy services through a telepharmacy
12 system at a remote dispensing site.

13 (2) "Remote dispensing site" means a location licensed
14 as a telepharmacy that is authorized by a provider pharmacy through
15 a telepharmacy system to store and dispense prescription drugs and
16 devices, including dangerous drugs and controlled substances.

17 (3) "Telepharmacy [~~,"telepharmacy~~] system" means a
18 system that monitors the dispensing of prescription drugs and
19 provides for related drug use review and patient counseling
20 services by an electronic method, including the use of the
21 following types of technology:

22 (A) [~~(1)~~] audio and video;

23 (B) [~~(2)~~] still image capture; and

24 (C) [~~(3)~~] store and forward.

1 (b) A Class A or Class C pharmacy located in this state may
2 provide pharmacy services, including the dispensing of drugs,
3 through a telepharmacy system at locations separate from [~~in a~~
4 ~~facility that is not at the same location as~~] the Class A or Class C
5 pharmacy.

6 (d) A telepharmacy system may be located only at:

7 (1) a health care facility in this state that is
8 regulated by this state or the United States; or

9 (2) a remote dispensing site.

10 (e) The board shall adopt rules regarding the use of a
11 telepharmacy system under this section, including:

12 (1) the types of health care facilities at which a
13 telepharmacy system may be located under Subsection (d)(1), which
14 must include the following facilities:

15 (A) a clinic designated as a rural health clinic
16 regulated under 42 U.S.C. Section 1395x(aa) [~~as amended~~]; and

17 (B) a health center as defined by 42 U.S.C.
18 Section 254b [~~as amended~~];

19 (2) the locations eligible to be licensed as remote
20 dispensing sites, which must include locations in medically
21 underserved areas, areas with a medically underserved population,
22 and health professional shortage areas determined by the United
23 States Department of Health and Human Services, and;

24 (a) A provider pharmacy may not provide remote
25 pharmacy services if a Class A (Community) or Class C
26 (Institutional) pharmacy that dispenses prescription drug orders
27 to out-patients is located in the same community. For the purposes

1 of this subsection a community is defined as:

2 (1) The census tract in which the remote
3 site is located, if the remote site is located in a Metropolitan
4 Statistical Area (MSA) as defined by the United States Census
5 Bureau in the most recent U.S. Census; or

6 (2) within 10 miles of the remote site, if
7 the remote site is not located in a MSA.

8 (3) licensing and operating requirements for remote
9 dispensing sites, including:

10 (A) a requirement that a remote dispensing site
11 license identify the provider pharmacy that will provide pharmacy
12 services at the remote dispensing site;

13 (B) a requirement that a provider pharmacy be
14 allowed to provide pharmacy services at not more than two remote
15 dispensing sites;

16 (C) a requirement that a pharmacist employed by a
17 provider pharmacy make at least monthly on-site visits to a remote
18 dispensing site or more frequent visits if specified by board rule;

19 (D) a requirement that a pharmacist employed by a
20 provider pharmacy be physically present at a remote dispensing site
21 when the pharmacist is providing services requiring the physical
22 presence of the pharmacist, including immunizations;

23 (E) a requirement that a remote dispensing site
24 be staffed by an on-site pharmacy technician who is under the
25 continuous supervision of a pharmacist employed by the provider
26 pharmacy;

27 (F) a requirement that all pharmacy technicians

1 at a remote dispensing site be counted for the purpose of
2 establishing the pharmacist-pharmacy technician ratio of the
3 provider pharmacy; and

4 (G) any additional training or practice
5 experience requirements for pharmacy technicians at a remote
6 dispensing site;

7 (4) the areas that qualify under Subsection (f);

8 (5) [~~3~~] recordkeeping requirements; and

9 (6) [~~4~~] security requirements.

10 (g) The board by rule shall require and develop a process
11 for a remote dispensing site to apply for classification as a Class
12 A pharmacy if the average number of prescriptions dispensed per day
13 at the remote dispensing site is more than 125, as calculated each
14 calendar year.

15 SECTION 2. The Texas State Board of Pharmacy shall adopt
16 rules under Section [562.110](#), Occupations Code, as amended by this
17 Act, not later than January 1, 2018.

18 SECTION 3. This Act takes effect September 1, 2017.